

P24876.A06



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Yasuhiro NONAKA et al.

Group Art Unit : 2852

Appl. No. : 10/765,974

Examiner : Ryan D. WALSH

Filed : January 29, 2004

Confirmation No. : 2945

For : HEAT GENERATING APPARATUS USING
ELECTROMAGNETIC INDUCTION

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria VA 22314

Sir:

In response to the Final Official Action of November 7, 2005, and concurrently with the filing of a Notice of Appeal, Applicants respectfully request a pre-appeal brief panel to review and withdraw the outstanding rejection. Further, Applicants request an indication of the allowability of all claims pending in the present application in view of the herein contained remarks.

Remarks begin on page 2 of this paper.

REMARKS

Applicants respectfully traverse the Examiner's rejection of claims 1, 2, 5, 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Sato et al. (U.S. Patent Application Publication No. 2002/0005405) in view of Lee (U.S. Patent No. 4,764,652), the rejection of claims 6-9 under 35 U.S.C. § 103(a) as being unpatentable over Sato et al. in view of Lee, and further in view of Okabayashi (U.S. Patent No. 5,794,096), and the rejection of claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Sato et al. in view of Lee, and further in view of Akutsu et al. (U.S. Patent No. 6,775,491). Applicants submit the following, as examples of clear legal and factual deficiencies in the outstanding rejection:

A. The combination of Sato et al. and Lee does not disclose or suggest a thermostat which serves to stop a supply of power to an exciting coil when a temperature abnormality of a heat generating member is detected (as recited in Applicants' independent claims 1, 5, 10 and 11).

Examiner's position: The Examiner acknowledges that Sato et al. does not disclose such a thermostat, but asserts that Lee teaches a thermostat (TS), and that it would have been obvious to modify Sato in order to protect a circuit from an erroneous signal and over temperature protection. See pages 3 and 4 of the Final Office Action.

Applicants' position: Applicants respectfully submit that Lee's thermostat TS does not stop a supply of power to an exciting coil when a temperature abnormality of

a heat generating member is detected. Rather, Applicants submit that Lee's thermostat TS detects a temperature of a radiating plate on which a switching transistor Q1 is mounted, and cuts off electric power to an inverter 3 if the temperature of the radiating plate rises beyond a determined temperature. See col. 6, lines 23-27 of Lee.

Applicants further submit that Lee is directed towards art which is non-analogous to the art which Sato is directed to, as Sato is directed towards an image forming apparatus and Lee is directed towards a heating cooker. Thus, Applicants respectfully submit that one of ordinary skill in the art would not be motivated to modify Sato's image forming apparatus based upon the disclosure of Lee.

B. The combination of Sato et al. and Lee does not suggest electrically connecting a thermostat, which serves to stop a supply of power to an exciting coil when a temperature abnormality of a heat generating member is detected, between a rectifying circuit and a smoothing circuit (as recited in Applicants' independent claims 1, 10 and 11).

Examiner's position: The Examiner asserts that Lee's thermostat TS is electrically connected between a rectifying circuit 1 and a smoothing circuit C2, and asserts that it would have been obvious to modify Sato to include a thermostat between Sato's rectification circuit 202 and filter capacitor 203 in order to protect the circuit from an erroneous signal and over temperature protection. See pages 2-4 of the Final Office Action.

Applicants' position: Applicants respectfully submit that neither Sato or Lee suggest that connecting a thermostat specifically between Sato's rectification circuit 202 and filter capacitor 203 protects a circuit from an erroneous signal and over temperature protection, as asserted by the Examiner. Applicants submit that the Examiner has not identified any portion of either reference to support this position.

C. The combination of Sato et al., Lee, and Akutsu et al. does not disclose or suggest a connector which has two pins that connect an exciting coil to a power circuit, and two pins that are configured to connect a thermostat to the power circuit, where one of the pins configured to connect the thermostat to the power circuit is designated for a first supply voltage, and the other pin is designated for a second supply voltage (as recited in Applicants' dependent claims 3 and 4).

Examiner's position: The Examiner acknowledges that Sato and Lee do not disclose the claimed connector, but asserts that Akutsu discloses such a connector, and asserts that it would have been obvious to modify Sato and Lee in view of Akutsu in order to obtain a safer circuit connection. See pages 11-12 of the Final Office Action.

Applicants' position: Applicants respectfully submit Akutsu does not disclose an exciting coil, and thus does not disclose that the connectors 6 and 7 include two pins which connect an exciting coil to a power circuit. Applicants further submit that Akutsu does not disclose a first and a second supply voltage, and thus does

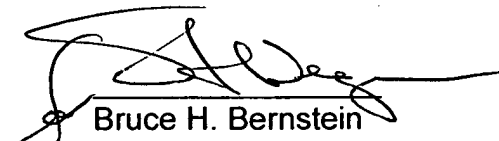
not disclose that connectors 6 and 7 have one pin which connects thermostat 13 or 14 to a first supply voltage, and another pin which connects thermostat 13 or 14 to a second supply voltage.

SUMMARY AND CONCLUSION

Applicants believe that the present application is in condition for allowance, and respectfully request an indication to that effect.

Should the Examiner have any questions or comments regarding the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Yasuhiro NONAKA et al.



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